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8 Attorneys for Defendant
UNITED PARCEL SERVICE, INC.,
9 an Ohio Corporation

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 EMILIA SANTOS, an individual, on behalf of
herself and all others similarly situated,

14 Plaintiffs,

15 vs.

16 UNITED PARCEL SERVICE, INC., a
17 Delaware Corporation; UNITED PARCEL
SERVICE, INC., an Ohio Corporation; DOES 1
18 through 10, inclusive,

19 Defendants.
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Case No. 3:18-cv-03177-EMC

**DECLARATION OF DERRICK
WATERS IN SUPPORT OF
DEFENDANT UNITED PARCEL
SERVICE, INC.'S MOTION FOR
SUMMARY JUDGMENT**

Date: May 6, 2021
Time: 1:30 p.m.
Judge: Hon. Edward M. Chen
Courtroom: 5

1 I, Derrick Waters, hereby declare as follows:

2 1. I am currently employed by United Parcel Service, Inc. ("UPS" or "Company") as
3 Vice President of Operations, West Region. I have held this position for approximately two
4 years. Previously, I was Vice President of Engineering, West Region, a position I held for
5 approximately three years. I have been employed by UPS for approximately 33 years. AS Vice
6 President of Operations, West Region, I have responsibilities for the UPS small package
7 operation in the states that comprise the West Region, which includes both North California and
8 Southern California districts. In both my current position and my previous position, I have had
9 access to payroll, human resources and other business records created and maintained by UPS in
10 the ordinary course of business, which includes UPS policies, employee population information,
11 and employee records such as payroll records. Except where otherwise indicated, I have personal
12 knowledge of the facts set forth in this Declaration. If called as a witness, I could and would
13 testify competently to the matters stated herein.

14 2. Between May 29, 2017 and November 11, 2021, there were 2,104 Part-Time Preload
15 Supervisors ("Preload PTS") in California, of which 1,066 had recorded at least one California Meal
16 Period Premium payment on his or her wage statement.

17 3. During the relevant period, all Preload PTS in California received itemized wage
18 statements. Some Preload PTS received live checks and wage statements together. Most
19 frequently, however, Preload PTS received their wages via direct deposit and received wage
20 statements separately. Itemized wage statements were and continue to be available to Preload
21 PTS online at UPSers.com. The format of the itemized wage statements has not changed since
22 May 29, 2017 to the present.

23 4. Itemized wage statements were, and still are, available to Preload PTS online at
24 UPSers.com, which employees access with their unique log in information.

25 5. For Preload PTS in California, meal premiums are denoted on wage statements as
26 "Cal Meal." In the UPS payroll system, California meal period premium is coded as "CAM."
27 Attached hereto as Exhibit A is a true and correct copy of Plaintiff Emilia Santos's wage
28 statements dated December 14, 2017 and December 21, 2017. The format of Ms. Santos's wage

1 statements is typical of other Preload PTS wage statements. The California meal period premium
2 is denoted by a "Cal Meal" entry on the wage statement dated December 14, 2017.

3 I declare under penalty of perjury under the laws of the State of California and the United
4 States of America that the foregoing is true and correct.

5 Executed on this 29 day of March, 2021, at ^{Also}Vero, California.

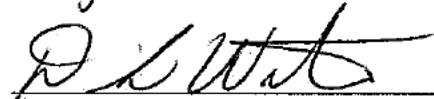
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Exhibit A


[Return to Paycheck List](#)


MOVING OUR WORLD FORWARD BY DELIVERING WHAT MATTERS

Employee Name	Work Location	Advice No.
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- EMILIA L SANTOS 0386 CASNR 920 9616 P ZZZ 0 0386013041

Employee ID	Tax ID	Fed Status	St Wrk	St Res Status	Advice Date
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- 5077277 XXX-XX-5121 S 00 S 00 12/14/2017

Earnings Statement	Period Begin	Period End	Total Earned	Total Taxes	Total Deducted	Net Amount
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- 12/03/2017 12/09/2017 1,359.00 399.79 106.26 852.95

Earnings					Taxes - Deductions - Misc		
Description	Rate	Miles	Hours	Gross	Description	Current	YTD

-	CURRENT PAY RATE	18.00			TAXES			
-	REGULAR	18.000	40.00	720.00	FICA	82.73	1,143.08	
-	OVERTIME	27.000	23.00	621.00	FICA MEDICARE	19.34	267.33	
-	CAL MEAL			18.00	FEDERAL TAX	220.18	2,177.32	
-	TOTAL HOURS WORKED		63.00		ST TAX- CA	65.53	373.57	
-	CURRENT TOTALS			1,359.00	STATE DISAB	12.01	165.93	
-	Y-T-D TOTALS	1,128.27		18,800.01	TOTALS	399.79		
-					DEDUCTIONS			
-					BFTAX FLEX	24.72	370.80	
-					401K DED	6 81.54	362.89	
-					TOTALS	106.26		
-	VAC	0.00	D OPD	0.00	D OPW	0.00	H OTH	0.00
-					D PST	11.00	H	

Employee Address

P.O. BOX 15
SUNOL ,CA ,94586

UNITED PARCEL SERVICE, INC.
55 GLENLAKE PARKWAY NE
ATLANTA , GA 30328

[Return to Paycheck List](#)

MOVING OUR WORLD FORWARD BY DELIVERING WHAT MATTERS

Employee Name	Work Location	Advice No.
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- EMILIA L SANTOS 0386 CASNR 920 9616 P ZZZ 0 0386027176

Employee ID	Tax ID	Fed Status	St Wrk	St Res Status	Advice Date
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- 5077277 XXX-XX-5121 S 00 S 00 12/21/2017

Earnings Statement	Period Begin	Period End	Total Earned	Total Taxes	Total Deducted	Net Amount
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- 12/10/2017 12/16/2017 1,212.75 338.85 97.49 776.41

Earnings					Taxes - Deductions - Misc		
Description	Rate	Miles	Hours	Gross	Description	Current	YTD

-	CURRENT PAY RATE	18.00			TAXES		
-	REGULAR	18.000	40.00	720.00	FICA	73.65	1,216.73
-	OVERTIME	27.000	18.25	492.75	FICA MEDICARE	17.23	284.56
-	TOTAL HOURS WORKED		58.25		FEDERAL TAX	185.81	2,363.13
-	CURRENT TOTALS			1,212.75	ST TAX- CA	51.47	425.04
-	Y-T-D TOTALS		1,186.52	20,012.76	STATE DISAB	10.69	176.62
-					TOTALS	338.85	
-					DEDUCTIONS		
-					BFTAX FLEX	24.72	395.52
-					401K DED 6	72.77	435.66
-					TOTALS	97.49	
-	VAC	0.00	D OPD 0.00	D OPW 0.00	H OTH 0.00	D PST 11.00	H

Employee Address

P.O. BOX 15
SUNOL ,CA ,94586

UNITED PARCEL SERVICE, INC.
55 GLENLAKE PARKWAY NE
ATLANTA , GA 30328